

CASE

NUMBER:

99.233

Construct
CELL SITE - 342 FULTZ RAOD - HARDIN

IN THE MATTER OF THE APPLICATION OF POWERTEL/KENTUCKY, INC.,
A DELAWARE CORPORATION, FOR ISSUANCE OF A CERTIFICATE OF
PUBLIC CONVENIENCE AND NECESSITY TO CONSTRUCT A PERSONAL
COMMUNICATIONS SERVICES FACILITY IN B-263 BASIC TRADING AREA

SEQ NBR	ENTRY DATE	REMARKS
0001	06/11/1999	Application.
0002	06/14/1999	Acknowledgement letter.
M0001	06/22/1999	WILLIAM NALLIA-REQUEST FOR INTERVENTION AND STATEMENT OF OPPOSITION.
0003	06/23/1999	Filing deficiencies letter; response due 7/8/99.
M0002	06/23/1999	RICKI CRAIN CITIZEN-REQUEST FOR INTERVENTION
M0003	07/02/1999	BRENT RICE POWERTEL-GEOTECHNICAL INVESTIGATION REPORT
0004	07/07/1999	Order entered granting Ricki and Karen Crain intervenion.
0005	07/13/1999	Deficiencies cured letter
M0004	07/16/1999	BRENT RICE POWERTEL-COPY OF RETURN RECEIPTS FOR VIA FORWARDED CERTIFIED MAIL
0006	08/02/1999	Order granting motion of William T. Nallia to intervene.
M0005	08/25/1999	BRENT RICE POWERTEL-MOTION TO SET HEARING DATE
M0006	08/27/1999	BRENT RICE POWERTEL-COPIES OF INFORMATION FORWARDED TO PROPERTY OWNERS CERTIFIED MAIL
M0007	09/09/1999	WILLIAM NALLIA EDUCATION ADVANCES-REQUEST FRO WITHDRAWAL OF MOTION FOR HEARING
M0008	09/14/1999	BRENT RICE POWERTEL-INFORMATION FORWARDED TO RICKI & KAREN CRAIN
0007	10/25/1999	Order entered; requests for hearing due 11/4 or case stands submitted.
M0009	11/15/1999	BRENT RICE POWERTEL-COPIES OF CERIFIED MAIL SENT TO RESIENTS WITHIN 500 FEET OF TOWER
0008	12/13/1999	Final Order granting a Certificate to construct.



COMMONWEALTH OF KENTUCKY
PUBLIC SERVICE COMMISSION

730 SCHENKEL LANE
POST OFFICE BOX 615
FRANKFORT, KY. 40602
(502) 564-3940

CERTIFICATE OF SERVICE

RE: Case No. 1999-233 UAC
POWERTEL/KENTUCKY, INC.

I, Stephanie Bell, Secretary of the Public Service Commission, hereby certify that the enclosed attested copy of the Commission's Order in the above case was served upon the following by U.S. Mail on December 13, 1999.

See attached parties of record.

Stephanie Bell
Secretary of the Commission

SB/hv
Enclosure

Allen E. Smith
President
Powertel/Kentucky, Inc.
1233 O.G. Skinner Drive
West Point, GA. 31833

Honorable W. Brent Rice
Counsel for Powertel/Kentucky, Inc.
McBryer, McGinnis,
Leslie & Kirkland PLLC
163 West Short Street
Suite 300
Lexington, KY. 40507 1361

Ricki and Karen Crain
800 South Park Road
Elizabethtown, KY. 42701

Mr. William T. Nallia
President
Educational Advances, Inc.
776 Schenkel Lane
Frankfort, KY. 40601

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

APPLICATION OF POWERTEL/KENTUCKY, INC., A)
DELAWARE CORPORATION, FOR ISSUANCE OF)
A CERTIFICATE OF PUBLIC CONVENIENCE AND)
NECESSITY TO CONSTRUCT A PERSONAL) CASE NO.
COMMUNICATIONS SERVICES FACILITY IN B-263) 99-233-UAC
BASIC TRADING AREA (THE L-KY-047-115)
FACILITY))

O R D E R

On July 2, 1999, Powertel/Kentucky, Inc. ("Powertel/Kentucky") filed an application seeking a Certificate of Public Convenience and Necessity to construct and operate a wireless telecommunications facility. The proposed facility is to be located at 342 Fultz Road, Elizabethtown, Hardin County, Kentucky. The coordinates for the proposed facility are North Latitude 37° 38' 16.13" by West Longitude 85° 49' 41.38".

Powertel/Kentucky has provided information regarding the structure of the tower, safety measures, and antenna design criteria for the proposed facility. Based upon the application, the design of the tower and foundation conforms to applicable nationally recognized building standards, and the plans have been certified by a Registered Professional Engineer.

Pursuant to KRS 100.987, Powertel/Kentucky has submitted a uniform application to the Hardin County Planning and Development Commission ("Planning Commission"). The Planning Commission approved the application. Powertel/Kentucky has filed

applications with the Federal Aviation Administration ("FAA") and the Kentucky Airport Zoning Commission ("KAZC") seeking approval for the construction and operation of the proposed facility. Both applications are pending.

Powertel/Kentucky has filed evidence of the appropriate notices provided pursuant to 807 KAR 5:063. The notices solicited any comments and informed the recipients of their right to request intervention. The Commission received comments and two property owners requested and were granted intervention. One intervenor later withdrew his objections. The Commission scheduled a public hearing, explaining in its Order that, absent written notice that a party would attend the hearing to present evidence opposing the construction, the hearing would be cancelled. No party having filed notice of its intent to attend the hearing, the hearing was cancelled and the matter submitted to the Commission for a decision.

Pursuant to KRS 278.280, the Commission is required to determine proper practices to be observed when it finds, upon complaint or on its own motion, that the facilities of any utility subject to its jurisdiction are unreasonable, unsafe, improper, or insufficient. To assist the Commission in its efforts to comply with this mandate, Powertel/Kentucky should notify the Commission if it does not use this antenna tower to provide service in the manner set out in its application and this Order. Upon receipt of such notice, the Commission may, on its own motion, institute proceedings to consider the proper practices, including removal of the unused antenna tower, which should be observed by Powertel/Kentucky.

The Commission, having considered the evidence of record and being otherwise sufficiently advised, finds that Powertel/Kentucky has demonstrated that a facility is necessary to provide adequate utility service and therefore should be granted a Certificate of Public Convenience and Necessity to construct the proposed facility.

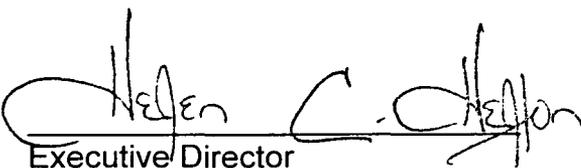
IT IS THEREFORE ORDERED that:

1. Powertel/Kentucky is granted a Certificate of Public Convenience and Necessity to construct a wireless telecommunications facility to be located at 342 Fultz Road, Elizabethtown, Hardin County, Kentucky. The coordinates for the proposed facility are North Latitude 37° 38' 16.13" by West Longitude 85° 49' 41.38".
2. Powertel/Kentucky shall file a copy of the final decisions regarding its pending FAA and KAZC applications for the proposed construction within 10 days of receiving these decisions.
3. Powertel/Kentucky shall immediately notify the Commission in writing, if, after the antenna tower is built and utility service is commenced, the tower is not used for a period of 3 months in the manner authorized by this Order.

Done at Frankfort, Kentucky, this 13th day of December, 1999.

By the Commission

ATTEST:


Executive Director

McBRAYER, MCGINNIS, LESLIE & KIRKLAND PLLC

163 WEST SHORT STREET

SUITE 300

LEXINGTON, KENTUCKY 40507-1361

606-231-8780

FACSIMILE 606-231-6518

REAL ESTATE FAX 606-255-9777

WWW.MMLK.COM

W. TERRY McBRAYER
JOHN R. MCGINNIS
PHILLIP BRUCE LESLIE *
WILLIAM D. KIRKLAND
J. D. ATKINSON, JR.
JAMES G. AMATO
GEORGE D. GREGORY **
BRENT L. CALDWELL
W. BRENT RICE
JAMES H. FRAZIER, III +
STEPHEN C. CAWOOD
CHRISTOPHER M. HILL
LISA ENGLISH HINKLE
WILLIAM R. PALMER, JR.
BRUCE W. MACDONALD *
LUKE BENTLEY III
STEPHEN G. AMATO
MARY ESTES HAGGIN
R. STEPHEN MCGINNIS ++
JON A. WOODALL
MARIA S. BUCKLES
MARGARET M. YOUNG
JULIE A. COBBLE
MELINDA G. WILSON
MARY ELIZABETH CUTTER
LINDA J. WEST
JARON P. BLANDFORD

* ALSO ADMITTED IN OHIO

** ALSO ADMITTED IN COLORADO

+ ALSO ADMITTED IN TEXAS & FLORIDA

++ ALSO ADMITTED IN WEST VIRGINIA

November 9, 1999

RECEIVED

NOV 15 1999

PUBLIC SERVICE
COMMISSION

WATSON CLAY (1908-1985)
OSCAR SAMMONS (1908-1985)

MAIN & HARRISON STREETS
P. O. BOX 347
GREENUP, KENTUCKY 41144-0347
606-473-7303
FACSIMILE 606-473-9003

300 STATE NATIONAL
BANK BUILDING
P. O. BOX 1100
FRANKFORT, KENTUCKY 40602-1100
502-223-1200
FACSIMILE 502-227-7385

DIRECTOR OF GOVERNMENTAL RELATIONS
MIKE HELTON
STATE NATIONAL BANK BUILDING
305 ANN STREET
SUITE 308
FRANKFORT, KENTUCKY 40601-2847
502-875-1176
FACSIMILE 502-226-6234

Ms. Helen C. Helton, Executive Director
Public Service Commission
730 Schenkel Lane
Frankfort, KY 40602

RE: **Public Notice by Powertel/Kentucky, Inc. of Its Intent to Install a Temporary Personal Communications Service Facility - Public Service Commission of Kentucky Case No. 99-233 UAC (The L-KY-047-115 Facility)**

Dear Ms. Helton:

Please find enclosed the originals and one copy each of return receipts for correspondence forwarded via certified mail, return receipt requested, to the Hardin County Planning and Development Commission and all property owners within 500' of the proposed temporary facility referenced above. The following property owners have been notified:

Duane C. and Gloria M. Whitford
342 Fultz Road
Elizabethtown, KY 42701

Robert B. and Barbara McMahan
P.O. Box 598
Elizabethtown, KY 42701

Ricky and Karen Crain
130 S. Mantle Avenue
Elizabethtown, KY 42701

William Nallia
304 Westover Road
Frankfort, KY 40601

Timothy W. and Dawn Y. Yates
264 Fultz Road
Elizabethtown, KY 42701

MCBRAYER, MCGINNIS, LESLIE & KIRKLAND PLLC

Ms. Helen C. Helton, Executive Director
November 9, 1999
Page 2

Please file the enclosed with the Commission at your earliest convenience. Thank you for your attention to this matter.

Sincerely,

A handwritten signature in cursive script that reads "W. Brent Rice". The signature is written in black ink and is positioned below the word "Sincerely,".

W. Brent Rice
Counsel for Powertel/Kentucky, Inc.

WBR/dkw

Enclosures

P 876 665 006



Receipt for Certified Mail

No Insurance Coverage Provided
Do not use for International Mail
(See Reverse)

Sent to HARDIN COUNTY PLANNING	
Street and No. AND DEVELOPMENT COMMISSION	
P.O., State and ZIP Code	
Postage	\$
Certified Fee	
Special Delivery Fee	
Restricted Delivery Fee	
Return Receipt Showing to Whom & Date Delivered	
Return Receipt Showing to Whom, Date, and Addressee's Address	
TOTAL Postage & Fees	\$
Postmark or Date 8/26/99 6928-147	

PS Form 3800, June 1991

P 876 665 008



Receipt for Certified Mail

No Insurance Coverage Provided
Do not use for International Mail
(See Reverse)

Sent to ROBERT B. AND BARBARA	
Street and No. MCMAHAN	
P.O., State and ZIP Code	
Postage	\$
Certified Fee	
Special Delivery Fee	
Restricted Delivery Fee	
Return Receipt Showing to Whom & Date Delivered	
Return Receipt Showing to Whom, Date, and Addressee's Address	
TOTAL Postage & Fees	\$
Postmark or Date 8/25/99 6928-147 26	

PS Form 3800, June 1991

P 876 664 999



Receipt for Certified Mail

No Insurance Coverage Provided
Do not use for International Mail
(See Reverse)

Sent to WILLIAM NALLIA	
Street and No.	
P.O., State and ZIP Code	
Postage	\$
Certified Fee	
Special Delivery Fee	
Restricted Delivery Fee	
Return Receipt Showing to Whom & Date Delivered	
Return Receipt Showing to Whom, Date, and Addressee's Address	
TOTAL Postage & Fees	\$
Postmark or Date 8/25/99 6928-147 26	

P 876 665 002



Receipt for Certified Mail

No Insurance Coverage Provided
Do not use for International Mail
(See Reverse)

Sent to DUANE C. AND GLORIA M.	
Street and No. WHITFORD	
P.O., State and ZIP Code	
Postage	\$
Certified Fee	
Special Delivery Fee	
Restricted Delivery Fee	
Return Receipt Showing to Whom & Date Delivered	
Return Receipt Showing to Whom, Date, and Addressee's Address	
TOTAL Postage & Fees	\$
Postmark or Date 8/25/99 6928-147 26	

PS Form 3800, June 1991

P 876 665 003



Receipt for Certified Mail

No Insurance Coverage Provided
Do not use for International Mail
(See Reverse)

Sent to RICKY AND KAREN CRAIN	
Street and No.	
P.O., State and ZIP Code	
Postage	\$
Certified Fee	
Special Delivery Fee	
Restricted Delivery Fee	
Return Receipt Showing to Whom & Date Delivered	
Return Receipt Showing to Whom, Date, and Addressee's Address	
TOTAL Postage & Fees	\$
Postmark or Date 8/25/99 6928-147 26	

PS Form 3800, June 1991

P 876 665 007



Receipt for Certified Mail

No Insurance Coverage Provided
Do not use for International Mail
(See Reverse)

Sent to TIMOTHY W. AND DAWN Y.	
Street and No. YATES	
P.O., State and ZIP Code	
Postage	\$
Certified Fee	
Special Delivery Fee	
Restricted Delivery Fee	
Return Receipt Showing to Whom & Date Delivered	
Return Receipt Showing to Whom, Date, and Addressee's Address	
TOTAL Postage & Fees	\$
Postmark or Date 8/25/99 6928-147 26	

UNITED STATES POSTAL SERVICE



First-Class Mail
Postage & Fees Paid
USPS
Permit No. G-10

● Print your name, address, and ZIP Code in this box ●

W. BRENT RICE, ESQ.
McBRAYER MCGINNIS
LESLIE & KIRKLAND, PLLC
163 WEST SHORT STREET
SUITE 300
LEXINGTON, KY 40507



Is your RETURN ADDRESS completed on the reverse side?

SENDER:

- Complete items 1 and/or 2 for additional services.
- Complete items 3, 4a, and 4b.
- Print your name and address on the reverse of this form so that we can return this card to you.
- Attach this form to the front of the mailpiece, or on the back if space does not permit.
- Write "Return Receipt Requested" on the mailpiece below the article number.
- The Return Receipt will show to whom the article was delivered and the date delivered.

I also wish to receive the following services (for an extra fee):

1. Addressee's Address
2. Restricted Delivery

Consult postmaster for fee.

3. Article Addressed to:

RICKY AND KAREN CRAIN
130 S. MANTLE AVENUE
ELIZABETHTOWN, KY 42701

4a. Article Number

P 876 665 003 (6928-147)

4b. Service Type

- | | |
|---|---|
| <input type="checkbox"/> Registered | <input checked="" type="checkbox"/> Certified |
| <input type="checkbox"/> Express Mail | <input type="checkbox"/> Insured |
| <input type="checkbox"/> Return Receipt for Merchandise | <input type="checkbox"/> COD |

7. Date of Delivery

8-28-99

5. Received By: (Print Name)

Karen Crain

6. Signature: (Addressee or Agent)

X Karen Crain

8. Addressee's Address (Only if requested and fee is paid)

Thank you for using Return Receipt Service.

UNITED STATES POSTAL SERVICE



First-Class-Mail
Postage & Fees Paid
USPS
Permit No. G-10

• Print your name, address, and ZIP Code in this box •

W. BRENT RICE, ESQ.
McBRAYER MCGINNIS
LESLIE & KIRKLAND, PLLC
163 WEST SHORT STREET
SUITE 300
LEXINGTON, KY 40507



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I also wish to receive the following services (for an extra fee):

- 1. Addressee's Address
- 2. Restricted Delivery

Consult postmaster for fee.

3. Article Addressed to:

TIMOTHY W. AND DAWN Y. YATES
 264 FULTZ ROAD
 ELIZABETHTOWN, KY 42701

4a. Article Number

P 876 665 007 (6928-147)

4b. Service Type

- Registered Certified
- Express Mail Insured
- Return Receipt for Merchandise COD

7. Date of Delivery

8-31-99

5. Received By: (Print Name)

Timothy Yates

6. Signature: (Addressee or Agent)

X Timothy W. Yates

8. Addressee's Address (Only if requested and fee is paid)

Thank you for using Return Receipt Service.

UNITED STATES POSTAL SERVICE



First-Class Mail
Postage & Fees Paid
USPS
Permit No. G-10

● Print your name, address, and ZIP Code in this box ●

W. BRENT RICE, ESQ.
McBRAYER MCGINNIS
LESLIE & KIRKLAND, PLLC
163 WEST SHORT STREET
SUITE 300
LEXINGTON, KY 40507

15



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I also wish to receive the following services (for an extra fee):

1. Addressee's Address
2. Restricted Delivery

Consult postmaster for fee.

3. Article Addressed to:

DUANE C. AND GLORIA M. WHITFORD
342 FULTZ ROAD
ELIZABETHTOWN, KY 42701

4a. Article Number

P 876-665 002 (6928-147)

4b. Service Type

- | | |
|---|---|
| <input type="checkbox"/> Registered | <input checked="" type="checkbox"/> Certified |
| <input type="checkbox"/> Express Mail | <input type="checkbox"/> Insured |
| <input type="checkbox"/> Return Receipt for Merchandise | <input type="checkbox"/> COD |

7. Date of Delivery

5/3/89

5. Received By: (Print Name)

DUANE C. Whitford

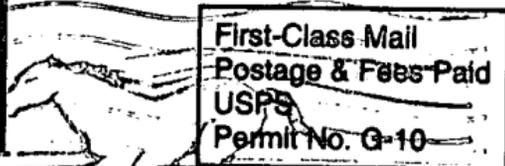
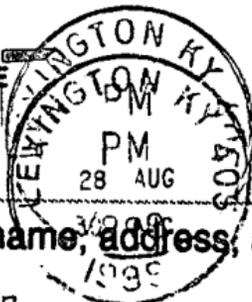
6. Signature: (Addressee or Agent)

DUANE C. Whitford

8. Addressee's Address (Only if requested and fee is paid)

Thank you for using Return Receipt Service.

UNITED STATES POSTAL SERVICE



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Postage & Fees Paid
USPS
Permit No. G-10

• Print your name, address, and ZIP Code in this box •

W. BRENT RICE, ESQ.
McBRAYER MCGINNIS
LESLIE & KIRKLAND, PLLC
163 WEST SHORT STREET
SUITE 300
LEXINGTON, KY 40507

40507+137A
13



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- Complete items 3, 4a, and 4b.
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I also wish to receive the following services (for an extra fee):

1. Addressee's Address
2. Restricted Delivery

Consult postmaster for fee.

3. Article Addressed to:

WILLIAM NALLIA
304 WESTOVER ROAD
FRANKFORT, KY 40601

4a. Article Number

P 876 664 999 (6928-147)

4b. Service Type

- | | |
|---|---|
| <input type="checkbox"/> Registered | <input checked="" type="checkbox"/> Certified |
| <input type="checkbox"/> Express Mail | <input type="checkbox"/> Insured |
| <input type="checkbox"/> Return Receipt for Merchandise | <input type="checkbox"/> COD |

7. Date of Delivery

5. Received By: (Print Name)

8. Addressee's Address (Only if requested and fee is paid)

6. Signature (Addressee or Agent)

X *William Nallia*

Thank you for using Return Receipt Service.

UNITED STATES POSTAL SERVICE



First-Class Mail
Postage & Fees Paid
USPS
Permit No. G-10

● Print your name, address, and ZIP Code in this box ●

W. BRENT RICE, ESQ.
McBRAYER MCGINNIS
LESLIE & KIRKLAND, PLLC
163 WEST SHORT STREET
SUITE 300
LEXINGTON, KY 40507



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- The Return Receipt will show to whom the article was delivered and the date delivered.

I also wish to receive the following services (for an extra fee):

1. Addressee's Address
2. Restricted Delivery

Consult postmaster for fee.

3. Article Addressed to:

ROBERT B. AND BARBARA McMAHAN
P.O. BOX 598
ELIZABETHTOWN, KY 42701

4a. Article Number

P 876 665 008 (6928-147)

4b. Service Type

- | | |
|---|---|
| <input type="checkbox"/> Registered | <input checked="" type="checkbox"/> Certified |
| <input type="checkbox"/> Express Mail | <input type="checkbox"/> Insured |
| <input type="checkbox"/> Return Receipt for Merchandise | <input type="checkbox"/> COD |

7. Date of Delivery

7-30-99

5. Received By: (Print Name)

Kelly McMahon

Kelly McMahon

6. Signature: (Addressee or Agent)

X

8. Addressee's Address (Only if requested and fee is paid)

Thank you for using Return Receipt Service.

UNITED STATES POSTAL SERVICE



First-Class Mail
Postage & Fees Paid
USPS
Permit No. G-10

● Print your name, address, and ZIP Code in this box ●

W. BRENI RICE, ESQ.
McBRAYER MCGINNIS
LESLIE & KIRKLAND, PLLC
163 WEST SHORT STREET
SUITE 300
LEXINGTON, KY 40507

13



Is your RETURN ADDRESS completed on the reverse side?

SENDER:

- Complete items 1 and/or 2 for additional services.
- Complete items 3, 4a, and 4b.
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- Write "Return Receipt Requested" on the mailpiece below the article number.
- The Return Receipt will show to whom the article was delivered and the date delivered.

I also wish to receive the following services (for an extra fee):

- 1. Addressee's Address
- 2. Restricted Delivery

Consult postmaster for fee.

3. Article Addressed to:

HARDIN COUNTY PLANNING AND
DEVELOPMENT COMMISSION
14 PUBLIC SQUARE
ELIZABETHTOWN, KY 42701

4a. Article Number

P 876 665 006 (6928-147)

4b. Service Type

- Registered
- Express Mail
- Return Receipt for Merchandise
- Certified
- Insured
- COD

7. Date of Delivery

8-30-99 C2 JH

5. Received By: (Print Name)

Madeline J. Hornback

6. Signature: (Addressee or Agent)

X Madeline J. Hornback

8. Addressee's Address (Only if requested and fee is paid)



Thank you for using Return Receipt Service.



COMMONWEALTH OF KENTUCKY
PUBLIC SERVICE COMMISSION
730 SCHENKEL LANE
POST OFFICE BOX 615
FRANKFORT, KY. 40602
(502) 564-3940

October 25, 1999

To: All parties of record

RE: Case No. 99-233 UAC

We enclose one attested copy of the Commission's Order in
the above case.

Sincerely,

Stephanie Bell

Stephanie Bell
Secretary of the Commission

SB/hv
Enclosure

Allen E. Smith
President
Powertel/Kentucky, Inc.
1233 O.G. Skinner Drive
West Point, GA 31833

Honorable W. Brent Rice
Attorney at Law
McBrayer, McGinnis,
Leslie & Kirkland PLLC
163 West Short Street
Suite 300
Lexington, KY 40507 1361

Ricki and Karen Crain
800 South Park Road
Elizabethtown, KY 42701

Mr. William T. Nallia
President
Educational Advances, Inc.
776 Schenkel Lane
Frankfort, KY 40601

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

APPLICATION OF POWERTEL/KENTUCKY,)
INC., A DELAWARE CORPORATION, FOR)
ISSUANCE OF A CERTIFICATE OF PUBLIC) CASE NO.
CONVENIENCE AND NECESSITY TO) 99-233-UAC
CONSTRUCT A PERSONAL COMMUNICATIONS)
SERVICES FACILITY IN B-263 TRADING AREA)
(THE L-KY-047-115 FACILITY))

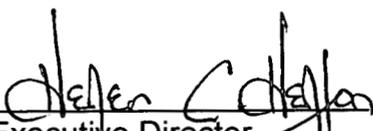
O R D E R

IT IS HEREBY ORDERED that any party desiring a public hearing in this matter shall file, within 10 days of the date of this Order, a written request for a hearing. If no such request is made, the case shall stand submitted for decision.

Done at Frankfort, Kentucky, this 25th day of October, 1999.

By the Commission

ATTEST:


Executive Director



EDUCATIONAL ADVANCES, INC.

776 SCHENKEL LANE, FRANKFORT, KENTUCKY 40601

September 7, 1999

Ms. Helen C. Helton, Executive Director
Public Service Commission of Kentucky
730 Schenkel Lane
Frankfort, KY 40602

RECEIVED

SEP 09 1999

PUBLIC SERVICE
COMMISSION

Re: Motion for a hearing application from Powertel/Kentucky, Inc., for installing a personal communications service facility in Hardin County, Kentucky (PSC CASE No. 99-233UAC)

Dear Ms. Helton:

Subsequent to an on-site visit of the property proposed for the communications facility, an informal meeting with the property owner (Mr. Duane Whitford) and an on-site evaluation of a similar tower in Elizabethtown, Kentucky, I am withdrawing the motion for a hearing.

This close assessment of the proposed facility has convinced me that my property will not be adversely harmed with regard to value, etc. Please consider the request for intervention completely closed from my standpoint.

Sincerely,

William T. Nallia
President

WTN/sk

cc: Mr. Brent Rice, Attorney for Powertel/Kentucky, Inc.
Duane C. Whitford



COMMONWEALTH OF KENTUCKY
PUBLIC SERVICE COMMISSION

730 SCHENKEL LANE
POST OFFICE BOX 615
FRANKFORT, KY. 40602
(502) 564-3940

August 2, 1999

To: All parties of record

RE: Case No. 99-233 UAC

We enclose one attested copy of the Commission's Order in
the above case.

Sincerely,

Stephanie Bell

Stephanie Bell
Secretary of the Commission

SB/hv
Enclosure

Allen E. Smith
President
Powertel/Kentucky, Inc.
1233 O.G. Skinner Drive
West Point, GA 31833

Honorable W. Brent Rice
Attorney at Law
McBrayer, McGinnis,
Leslie & Kirkland PLLC
163 West Short Street
Suite 300
Lexington, KY 40507 1361

Ricki and Karen Crain
800 South Park Road
Elizabethtown, KY 42701

Mr. William T. Nallia
President
Educational Advances, Inc.
776 Schenkel Lane
Frankfort, KY 40601

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

APPLICATION OF POWERTEL/KENTUCKY,)
INC., A DELAWARE CORPORATION, FOR)
ISSUANCE OF A CERTIFICATE OF PUBLIC) CASE NO.
CONVENIENCE AND NECESSITY TO) 99-233-UAC
CONSTRUCT A PERSONAL COMMUNICATIONS)
SERVICES FACILITY IN B-263 TRADING AREA)
(THE L-KY-047-115 FACILITY))

O R D E R

This matter arising upon the motion of William T. Nallia, filed June 22, 1999, for full intervention, and it appearing to the Commission that Mr. Nallia has a special interest which is not otherwise adequately represented, and that such intervention is likely to present issues and develop facts that will assist the Commission in fully considering the matter without unduly complicating or disrupting the proceedings, and this Commission being otherwise sufficiently advised,

IT IS HEREBY ORDERED that:

1. The motion of William T. Nallia to intervene is granted.
2. Mr. Nallia shall be entitled to the full rights of a party and shall be served with the Commission's Orders and with filed testimony, exhibits, pleadings, correspondence, and all other documents submitted by parties after the date of this Order.
3. Should Mr. Nallia file documents of any kind with the Commission in the course of these proceedings, he shall also serve a copy of said documents on all other parties of record.

Done at Frankfort, Kentucky, this 2nd day of August, 1999.

By the Commission

ATTEST:


Executive Director



COMMONWEALTH OF KENTUCKY
PUBLIC SERVICE COMMISSION
730 SCHENKEL LANE
POST OFFICE BOX 615
FRANKFORT, KENTUCKY 40602
www.psc.state.ky.us
(502) 564-3940
Fax (502) 564-3460

Ronald B. McCloud, Secretary
Public Protection and
Regulation Cabinet

Helen Helton
Executive Director
Public Service Commission

Paul E. Patton
Governor

June 23, 1999

Mr. Allen E. Smith, President
Powertel/Kentucky, Inc.
1233 O. G. Skinner Drive
West Point, Georgia 31833

Re: Case No. 99-233 UAC
Filing Deficiencies

Dear Mr. Smith:

The Commission staff has reviewed your application in the above case. This filing is rejected pursuant to 807 KAR 5:001, Section 2, for the reasons set forth below. These items are either required to be filed with the application or to be referenced in the application if they are already on file in another case or will be filed at a later date.

Filing deficiency pursuant to 807 KAR 5:063, Section 4(1):

A geotechnical investigation report, signed and sealed by a professional engineer registered in Kentucky, that includes boring logs, foundation design recommendations, and a finding as to the proximity of the proposed site to flood hazard areas (findings re: flood hazard proximity may be prepared by a land surveyor).

The statutory time period in which the Commission must process this case will not commence until the above-mentioned information is filed with the Commission. You are requested to file one copy of this information within 15 days of this letter. If you need further information, please contact Jeff Johnson of my staff at 502-564-3940, extension 417.

Sincerely,

A handwritten signature in cursive script that reads "Stephanie Bell".

Stephanie Bell
Secretary of the Commission

hv
cc: Parties of Record





Hardin County
Planning and Development Commission

RECEIVED

JUN 14 1999

PUBLIC SERVICE
COMMISSION

10 June 1999

Executive Director's Office
Public Service Commission of Kentucky
P.O. Box 615
Frankfort, KY 40602

RE: Public Notice - Public Service Commission of Kentucky

Site #'s LV-0-110 (Yates) and

L-KY-047-115 (Whitford-A) — Case No. 99-233 UAC

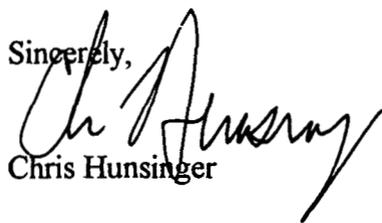
In accordance with Kentucky Revised Statutes (Chapter 100.324) public utility facilities "shall be referred to the Commission to be reviewed in light of its agreement with the comprehensive plan, and the commission shall, within sixty (60) days from the date of its receipt, review the project and advise the referring body whether the project is in accordance with the comprehensive plan".

The Hardin County Planning Commission reviewed the above referenced sites at their regularly scheduled meeting on Tuesday, 8 June 1999. At that time, these cases were found to be in significant compliance with the County's Comprehensive Plan.

Please remember that any construction on these sites are subject to the Kentucky Building Code. Building and electric permits must be secured from this office before construction is to start.

If you have any questions, please contact Chris Hunsinger or Fred Rollenhagen at the Hardin County Planning Commission.

Sincerely,



Chris Hunsinger

cc: ETC Associates
Powertel, Inc.



COMMONWEALTH OF KENTUCKY
PUBLIC SERVICE COMMISSION

730 SCHENKEL LANE
POST OFFICE BOX 615
FRANKFORT, KY. 40602
(502) 564-3940

June 14, 1999

Allen E. Smith
President
Powertel/Kentucky, Inc.
1233 O.G. Skinner Drive
West Point, GA. 31833

Honorable W. Brent Rice
Attorney at Law
McBrayer, McGinnis,
Leslie & Kirkland PLLC
163 West Short Street
Suite 300
Lexington, KY. 40507 1361

RE: Case No. 99-233 UAC
POWERTEL/KENTUCKY, INC.
(Construct) CELL SITE - 342 FULTZ RAOD - HARDIN

This letter is to acknowledge receipt of initial application in the above case. The application was date-stamped received June 11, 1999 and has been assigned Case No. 99-233. In all future correspondence or filings in connection with this case, please reference the above case number.

If you need further assistance, please contact my staff at 502/564-3940.

Sincerely,
Stephanie Bell

Stephanie Bell
Secretary of the Commission

SB/jc

FILED

JUL - 2 1999

**PUBLIC SERVICE
COMMISSION**

FOR THE PUBLIC RECORD

COMMONWEALTH OF KENTUCKY

BEFORE THE PUBLIC SERVICE COMMISSION

RECEIVED

JUN 11 1999

**PUBLIC SERVICE
COMMISSION**

In the Matter of:

APPLICATION OF POWERTEL/KENTUCKY, INC.,)
 A DELAWARE CORPORATION, FOR ISSUANCE)
 OF A CERTIFICATE OF PUBLIC CONVENIENCE)
 AND NECESSITY TO CONSTRUCT A PERSONAL) Case No. 99-233 UAC
 COMMUNICATIONS SERVICES FACILITY IN)
 B-263 BASIC TRADING AREA)
 (THE L-KY-047-115 FACILITY))

UNIFORM APPLICATION: CONFIDENTIAL AND PROPRIETARY

* The specific location of the proposed construction is 342 Fultz Road, Elizabethtown, Hardin County, Kentucky.

** This additional page is filed pursuant to 807 KAR 5:063 Section 5(2).

McBRAYER, MCGINNIS, LESLIE & KIRKLAND PLLC

163 WEST SHORT STREET

SUITE 300

LEXINGTON, KENTUCKY 40507-1361

606-231-8780

FACSIMILE 606-231-6518

REAL ESTATE FAX 606-255-9777

WWW.MMLK.COM

W. TERRY McBRAYER
JOHN R. MCGINNIS
PHILLIP BRUCE LESLIE *
WILLIAM D. KIRKLAND
J. D. ATKINSON, JR.
JAMES G. AMATO
GEORGE D. GREGORY **
BRENT L. CALDWELL
W. BRENT RICE
JAMES H. FRAZIER, III +
STEPHEN C. CAWOOD
CHRISTOPHER M. HILL
LISA ENGLISH HINKLE
WILLIAM R. PALMER, JR.
BRUCE W. MACDONALD *
LUKE BENTLEY III
STEPHEN G. AMATO
MARY ESTES HAGGIN
R. STEPHEN MCGINNIS ++
JON A. WOODALL
MARIA S. BUCKLES
MARGARET M. YOUNG
JULIE A. COBBLE
MELINDA G. WILSON
MARY ELIZABETH CUTTER
LINDA J. WEST
JARON P. BLANDFORD

* ALSO ADMITTED IN OHIO
** ALSO ADMITTED IN COLORADO
+ ALSO ADMITTED IN TEXAS & FLORIDA
++ ALSO ADMITTED IN WEST VIRGINIA

June 10, 1999

WATSON CLAY (1908-1985)
OSCAR SAMMONS (1908-1985)

MAIN & HARRISON STREETS
P. O. BOX 347
GREENUP, KENTUCKY 41144-0347
606-473-7303
FACSIMILE 606-473-9003

300 STATE NATIONAL
BANK BUILDING
P. O. BOX 1100
FRANKFORT, KENTUCKY 40602-1100
502-223-1200
FACSIMILE 502-227-7385

DIRECTOR OF GOVERNMENTAL RELATIONS
MIKE HELTON

RECEIVED
STATE NATIONAL BANK BUILDING
300 STATE NATIONAL
FRANKFORT, KENTUCKY 40601-2847

JUN 14 1999
502-875-1176
FACSIMILE 502-226-6234

PUBLIC SERVICE
COMMISSION

Ms. Stephanie Bell
Secretary of the Commission
Kentucky Public Service Commission
P.O. Box 615
730 Schenkel Lane
Frankfort, KY 40601

RE: **Case Number 99-233 UAC**
Powertel/Kentucky, Inc. (L-KY-047-115 Facility)

Dear Ms. Bell:

This letter is to follow up my request for a case number on June 10, 1999. The application is on behalf of Powertel/Kentucky, Inc., for a cell site located at 342 Fultz Road, Elizabethtown, Hardin County, Kentucky. I was given Case Number 99-233 UAC. We intend to file the application no later than June 11, 1999. If there are any questions, you may contact the undersigned at our Lexington office (606)231-8780. Thank you for your attention to this matter.

Sincerely,



W. Brent Rice

WBR/dkw



EDUCATIONAL ADVANCES, INC.

776 SCHENKEL LANE, FRANKFORT, KENTUCKY 40601

June 16, 1999

BJ Helton, Chairman
Executive Director's Office
Public Service Commission of Kentucky
P. O. Box 615
Frankfort, KY 40602

RECEIVED

JUN 22 1999

PUBLIC SERVICE
COMMISSION

Dear Ms. Helton:

I have been informed by W. Brent Rice, counsel for Powertel/Kentucky, Inc., that his client has applied to the PSC of Kentucky for a certificate to construct and operate a personal communications service facility in Hardin County, Kentucky (case no. 99-233 UAC).

The proposed facility will have a negative impact on the use and value of land in the area. I am a property owner that will be effected by the proposed facility. The area where the proposed tower and building will be constructed is currently a residential area and is prime property for residential expansion, which is strengthened by being in the vicinity of the Elizabethtown Country Club.

The question is, with all of the open, non-residential space in Hardin County, why construct such an unsightly facility in a prime residential area?

Also, please accept this letter as a request for intervention into the application for certification.

Sincerely,

William T. Nallia
President

WTN/sk



COMMONWEALTH OF KENTUCKY
PUBLIC SERVICE COMMISSION

730 SCHENKEL LANE
POST OFFICE BOX 615
FRANKFORT, KY. 40602
(502) 564-3940

July 13, 1999

Allen E. Smith
President
Powertel/Kentucky, Inc.
1233 O.G. Skinner Drive
West Point, GA. 31833

Honorable W. Brent Rice
Attorney at Law
McBrayer, McGinnis,
Leslie & Kirkland PLLC
163 West Short Street
Suite 300
Lexington, KY. 40507 1361

Ricki and Karen Crain
800 South Park Road
Elizabethtown, KY. 42701

RE: Case No. 99-233 UAC
POWERTEL/KENTUCKY, INC.

The Commission staff has reviewed your response of July 2, 1999 and has determined that your application in the above case now meets the minimum filing requirements set by our regulations. Enclosed please find a stamped filed copy of the first page of your filing. This case has been docketed and will be processed as expeditiously as possible.

If you need further information, please contact my staff at 502/564-3940.

Sincerely,
Stephanie Bell

Stephanie Bell
Secretary of the Commission

SB/hv
Enclosure

FILED

JUL - 2 1999

**PUBLIC SERVICE
COMMISSION**

FOR THE PUBLIC RECORD

COMMONWEALTH OF KENTUCKY

BEFORE THE PUBLIC SERVICE COMMISSION

RECEIVED

JUN 11 1999

**PUBLIC SERVICE
COMMISSION**

In the Matter of:

APPLICATION OF POWERTEL/KENTUCKY, INC.,)
A DELAWARE CORPORATION, FOR ISSUANCE)
OF A CERTIFICATE OF PUBLIC CONVENIENCE)
AND NECESSITY TO CONSTRUCT A PERSONAL) Case No. 99-233 UAC
COMMUNICATIONS SERVICES FACILITY IN)
B-263 BASIC TRADING AREA)
(THE L-KY-047-115 FACILITY))

UNIFORM APPLICATION: CONFIDENTIAL AND PROPRIETARY

* The specific location of the proposed construction is 342 Fultz Road, Elizabethtown, Hardin County, Kentucky.

** This additional page is filed pursuant to 807 KAR 5:063 Section 5(2).

main



COMMONWEALTH OF KENTUCKY
PUBLIC SERVICE COMMISSION

730 SCHENKEL LANE
POST OFFICE BOX 615
FRANKFORT, KY. 40602
(502) 564-3940

July 7, 1999

Allen E. Smith
President
Powertel/Kentucky, Inc.
1233 O.G. Skinner Drive
West Point, GA. 31833

Honorable W. Brent Rice
Attorney at Law
McBrayer, McGinnis,
Leslie & Kirkland PLLC
163 West Short Street
Suite 300
Lexington, KY. 40507 1361

Ricki and Karen Crain
800 South Park Road
Elizabethtown, KY. 42701

RE: Case No. 99-233 UAC

We enclose one attested copy of the Commission's Order in
the above case.

Sincerely,
Stephanie Bell

Stephanie Bell
Secretary of the Commission

SB/rlm
Enclosure

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

APPLICATION OF POWERTEL/KENTUCKY,)	
INC., A DELAWARE CORPORATION, FOR)	
ISSUANCE OF A CERTIFICATE OF PUBLIC)	CASE NO.
CONVENIENCE AND NECESSITY TO)	99-233-UAC
CONSTRUCT A PERSONAL COMMUNICATIONS)	
SERVICES FACILITY IN B-263 TRADING AREA)	
(THE L-KY-047-115 FACILITY))	

O R D E R

This matter arising upon the motion of Ricki and Karen Crain, filed June 23, 1999, for full intervention, and it appearing to the Commission that the Crains have a special interest which is not otherwise adequately represented, and that such intervention is likely to present issues and develop facts that will assist the Commission in fully considering the matter without unduly complicating or disrupting the proceedings, and this Commission being otherwise sufficiently advised,

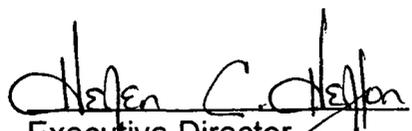
IT IS HEREBY ORDERED that:

1. The motion of Ricki and Karen Crain to intervene is granted.
2. The Crains shall be entitled to the full rights of a party and shall be served with the Commission's Orders and with filed testimony, exhibits, pleadings, correspondence, and all other documents submitted by parties after the date of this Order.
3. Should the Crains file documents of any kind with the Commission in the course of these proceedings, they shall also serve a copy of said documents on all other parties of record.

Done at Frankfort, Kentucky, this 7th day of July, 1999.

By the Commission

ATTEST:


Executive Director

Ricki and Karen Crain
800 S. Park Rd
Elizabethtown, KY 42701

RECEIVED

JUN 23 1999

PUBLIC SERVICE
COMMISSION

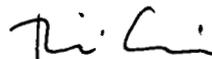
June 22, 1999

Executive Director's Office
Public Service Commission of Kentucky
PO Box 615
Frankfort, KY 40602

To Whom It May Concern:

In reference to Case No. 99-233 UAC, we request intervention in the construction of Powertel/Kentucky, Inc.'s personal communications service facility on Fultz Road, Hardin Co., Kentucky. You may contact us regarding this matter at the above address or by telephone at 270-737-2825.

Sincerely,



Ricki Crain